



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 7, 2013

THOMAS W. HILTACHK, TREASURER
SPIRIT OF DEMOCRACY AMERICA
455 CAPITOL MALL, SUITE 600
SACRAMENTO, CA 95814

Response Due Date

04/11/2013

IDENTIFICATION NUMBER: C00521211

REFERENCE: AMENDED 30 DAY POST-GENERAL REPORT (10/18/2012 -
11/26/2012), RECEIVED 01/30/2013

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 7 item(s):

1. Your amended report discloses an increase in debts totaling \$40,582.03 on Line(s) 10 of the Summary Page from those disclosed on your original report. Please provide clarifying information as to why this activity was not disclosed on your original report. (11 CFR § 104.3)
2. Your amended report discloses a decrease in disbursements totaling \$22,000 on Line(s) 24 of the Detailed Summary Page from those disclosed on your original report. Please amend your report(s) or provide an explanation for the apparent discrepancy. (11 CFR § 104.3)
3. Schedule E for Line 24 of your report discloses MEMO entries for apparent independent expenditures made on behalf of Abel Maldonado and Paul Cook during this reporting period. However, a Schedule D supporting Line 10 has not been provided. Please be advised that if a communication is aired in one reporting period and the payment is made in a later reporting period, the independent expenditure should be reported as a memo entry on Schedule E when the communication is publicly disseminated or distributed, and on a Schedule D if it is a reportable debt under 11 CFR §104.11. Subsequently, when the payment for the independent expenditure is made, the report should show a payment on Schedule E and the same payment on Schedule D, if applicable. Please amend your report to clarify this apparent discrepancy. (11 CFR §104.4)

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4. Schedule E of your report indicates that your committee may have failed to timely file one or more of the required 24 hour report(s) regarding "last minute" independent expenditures (see attached). A political committee must file a 24 hour report with the Federal Election Commission as specified in 11 CFR §104.4(c), within 24 hours of any independent expenditures of \$1,000 or more with respect to a given election, made between two and twenty days before an election. The report must be received by the Commission by 11:59 p.m. on the day following the date on which independent expenditures that aggregate \$1,000 or more are publicly distributed or disseminated. These expenditures must then be fully itemized on Schedule E, or as memo entries on Schedule E and reflected on Schedule D if distributed or disseminated prior to payment, of the next report required to be filed by the committee. Although the Commission may take further action concerning this matter, your prompt response will be taken into consideration. (11 CFR §104.3(b))

5. Schedule E of your report discloses the Calendar Year-To-Date Per Election for Office Sought total for CA-24 to be \$1,191,294.65. However, FEC calculations disclose this amount(s) to be \$1,229,505.40. Please amend your report to clarify this discrepancy. (2 U.S.C. § 434(b)(4) and 11 CFR §104.4(f))

6. Schedule E supporting Line 24 of your report discloses an independent expenditure(s) on behalf of Abel Maldonado and Paul Cook which appears to have been publicly disseminated or distributed after the general election date. Please be advised that if a communication is aired in one reporting period and the payment is made in a later reporting period, the independent expenditure should be reported as a memo entry on Schedule E when the communication is publicly disseminated or distributed, and on a Schedule D if it is a reportable debt under 11 CFR § 104.11. When the payment for the independent expenditure is made, the report should show a payment on Schedule E and the same payment on Schedule D, if applicable.

Please amend your report to provide further clarifying information regarding the independent expenditure(s) disclosed after the general election date.

7. Your committee filed 24 hour reports informing the Commission of independent expenditures made in support or opposition of federal candidates with "McNally Temple Associates, Inc." as the payee(s). However, the amounts disclosed on these reports do not appear to correlate with the entries on Schedule E, supporting Line 24 for the reporting period. If your committee has filed 24 hour reports supporting independent expenditures not reflected on your reports, you must file Schedule E during the appropriate reporting period

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to disclose these payments. Please amend your report to clarify this discrepancy and provide further information concerning these reports. (11 CFR §104.4)

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1173.

Sincerely,

A handwritten signature in black ink, appearing to read "Ashley A Carter", with a stylized flourish at the end.

Ashley Carter
Senior Campaign Finance Analyst
Reports Analysis Division

Late 24 Hour Report (Schedule E)
Spirit of Democracy America (C00521211)

Name of Payee	Date	Amount	Candidate	Election	Report Received
McNally Temple Associates, Inc.	10/26/12	\$29,260.63	Paul Cook	G2012	10/28/12